

MONTANA LEGISLATIVE HISTORY

Chapter ~~310~~ 310 19 03

Bill H _____ S 425

Original bill & history ☒ c

H. Committee on Labor + Em. Relations

S. Committee on Labor + Em. Relations

Hearing Date(s) 3-10 ☒ c

Hearing Date(s) 2-17 ☒ c

_____ c

2-18 c

_____ c

_____ c

_____ c

2-23 c

Date Out 3-21 c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

CONSTITUTIONAL AMENDMENT TO BE PLACED ON THIRD READING
3RD READING: 02/22/83 AYES: 18; NAYS: 30, FAILED

TRANSMITTED TO HOUSE: 02/22/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 02/28/83
REPORT: 03/10/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/14/83, BE NOT CONCURRED IN AYES: 68; NAYS: 31
3RD READING: 03/15/83, BE NOT CONCURRED IN AYES: 31; NAYS: 66
BILL KILLED

SB 422 -- HALLIGAN -- TO AUTHORIZE AND PROVIDE FOR THE ISSUANCE, EXECUTION, AUTHENTICATION, AND TRANSFER OF PUBLIC OBLIGATIONS IN REGISTERED FORM; AND PROVIDING AN EFFECTIVE DATE.

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 02/15/83
HEARING: 02/16/83
REPORT: 2/16/83, DO PASS
2ND READING: 02/19/83 AYES: 48; NAYS: 0
3RD READING: 02/22/83 AYES: 49; NAYS: 0

TRANSMITTED TO HOUSE: 02/22/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 02/28/83
HEARING: 3/8/83
REPORT: 03/10/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/19/83, BE CONCURRED IN AYES: 79; NAYS: 0
3RD READING: 03/21/83, BE CONCURRED IN AYES: 95; NAYS: 0

RETURNED TO SENATE WITH AMENDMENTS: 3/22/83
2ND READING: 03/23/83 AYES: 50; NAYS: 0
3RD READING: 03/24/83 AYES: 47; NAYS: 0

TRANSMITTED TO GOVERNOR: 03/30/83
SIGNED: 04/04/83, CHAPTER 364

SB 423 -- TURNAGE, BOB BROWN, KOLSTAD -- TO REQUIRE THAT CERTAIN COOPERATIVES MUST HAVE MEMBERSHIP APPROVAL TO CREATE LONG-TERM OBLIGATIONS RELATED TO BONDED INDEBTEDNESS UNDER CERTAIN CIRCUMSTANCES.

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 02/15/83
HEARING: 2/18/83
REPORT: 02/18/83, DO PASS, AS AMENDED
2ND READING: 02/21/83 AYES: 49; NAYS: 1
3RD READING: 02/23/83 AYES: 48; NAYS: 1

TRANSMITTED TO HOUSE: 02/23/83
REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 02/28/83
HEARING: 3/08/83
REPORT: 03/08/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/10/83, BE CONCURRED IN AYES: 94; NAYS: 0
3RD READING: 03/11/83, BE CONCURRED IN AYES: 98; NAYS: 0

RETURNED TO SENATE WITH AMENDMENTS: 3/12/83
2ND READING: 03/14/83 AYES: 49; NAYS: 0
3RD READING: 03/15/83 AYES: 47; NAYS: 0

TRANSMITTED TO GOVERNOR: 03/21/83
SIGNED: 3/24/83, CHAPTER 206

SB 424 -- DOVER, LEE, GOODOVER, ET AL. -- CREATING A LIEN TO SECURE PAYMENT TO SUPPLIERS OF FUEL.

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON JUDICIARY: 02/15/83
HEARING: 2/18/83
DIED IN COMMITTEE

SB 425 -- REGAN, ECK, J. JACOBSON, ET AL. -- TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO WORK TOWARD THE GOAL OF ESTABLISHING A STANDARD OF EQUAL PAY FOR COMPARABLE WORTH AND TO REQUIRE THE DEPARTMENT TO REPORT TO THE LEGISLATURE THE STATUS OF THE STANDARD UNDER THE STATE CLASSIFICATION PLAN AND PAY SCHEDULES.

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS: 02/15/83
HEARING: 2/17/83
REPORT: 02/18/83, DO PASS
2ND READING: 02/21/83, AS AMENDED AYES: 40; NAYS: 8
3RD READING: 2/23/83 AYES: 45; NAYS: 4

TRANSMITTED TO HOUSE: 02/23/83
REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS: 02/28/83
HEARING: 3/10/83
REPORT: 03/11/83, BE CONCURRED IN
2ND READING: 03/19/83, BE CONCURRED IN AYES: 83; NAYS: 4
3RD READING: 03/21/83, BE CONCURRED IN AYES: 91; NAYS: 4

RETURNED TO SENATE: 3/21/83

TRANSMITTED TO GOVERNOR: 03/28/83
SIGNED: 03/31/83, CHAPTER 310

SB 426 -- STORY, ET AL. -- TO REQUIRE STATE AND LOCAL GOVERNMENT AGENCIES TO COMPLY WITH CONDITIONS AND LIMITATIONS CONTAINED IN APPROPRIATION BILLS; AND PROVIDING AN EFFECTIVE DATE.

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 02/15/83
HEARING: 2/17/83
REPORT: 02/18/83, DO PASS
2ND READING: 02/21/83 AYES: 41; NAYS: 8
3RD READING: 02/23/83 AYES: 44; NAYS: 5

TRANSMITTED TO HOUSE: 02/23/83
REFERRED TO COMMITTEE ON APPROPRIATIONS: 02/28/83
2ND READING: 03/28/83, BE CONCURRED IN, AS AMENDED AYES: 93; NAYS: 0
3RD READING: 03/28/83, BE CONCURRED IN AYES: 92; NAYS: 3

RETURNED TO SENATE WITH AMENDMENTS: 3/29/83
2ND READING: 04/01/83 AYES: 47; NAYS: 0
3RD READING: 04/04/83 AYES: 46; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/9/83
RETURNED WITH AMENDMENTS: 04/15/83

1 *Connelly* *Lehman* BILL NO. *425* *McBride*
 2 INTRODUCED BY *Regan* *Eck* *J. Jacobson* *Farris*
 3 *Bengtson* *J. Brown* *O. Connell* *Quinn* *Have-*
 4 *Helwig* *Dukes* *Horn* *Leeman* *Hansen*
 A BILL FOR AN ACT ENTITLED: "AN ACT TO DIRECT THE

5 DEPARTMENT OF ADMINISTRATION TO WORK TOWARD THE GOAL OF
 6 ESTABLISHING A STANDARD OF EQUAL PAY FOR COMPARABLE WORTH
 7 AND TO REQUIRE THE DEPARTMENT TO REPORT TO THE LEGISLATURE
 8 THE STATUS OF THE STANDARD UNDER THE STATE CLASSIFICATION
 9 PLAN AND PAY SCHEDULES."

10
 11 WHEREAS, Article II, section 4, of the Montana
 12 Constitution prohibits discrimination against any person in
 13 the exercise of his or her civil rights on the basis of sex;
 14 and

15 WHEREAS, Montana laws prohibit compensation of women
 16 "less than that paid to men for equivalent service"; and

17 WHEREAS, pay disparities between men and women still
 18 exist in Montana in general and in state government in
 19 particular because of both overt sex discrimination and
 20 subtle biases which, although more difficult to recognize,
 21 inherently undervalue the work of women; and

22 WHEREAS, statistics for state government employees in
 23 Montana reveal that, for the 15-month period ending March
 24 31, 1982:

25 (1) the average female employee earned only 69.4% as

1 much as the average male employee;

2 (2) females held 90.2% of all clerical positions,
 3 32.5% of all professional positions, 17.8% of all managerial
 4 positions, and 1.7% of all skilled craft jobs; and

5 (3) compared to large private-sector employers in
 6 Montana (in 1978), a woman employed by state government is
 7 half as likely to be a professional or managerial employee
 8 as her private-sector colleague; and

9 WHEREAS, studies being conducted throughout the states
 10 are revealing that jobs dominated by women are accorded less
 11 value than comparable jobs dominated by men; and

12 WHEREAS, state government in Montana should serve as a
 13 model for the equal employment opportunity that is required
 14 under the State's Constitution and state and federal
 15 statutes and by our basic commitment to human rights and
 16 human dignity.

17
 18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 Section 1. Comparable worth. The department of
 20 administration shall, in its continuous efforts to enhance
 21 the current classification plan and pay schedules, work
 22 toward the goal of establishing a standard of equal pay for
 23 comparable worth. This standard for the classification plan
 24 shall be reached by:

25 (1) eliminating, in the classification of positions,

1 the use of judgments and factors that contain inherent
2 biases based on sex; and

3 (2) comparing, in the classification of positions, the
4 factors for determining job worth across occupational groups
5 whenever those groups are dominated by males or females.

6 Section 2. Status report. The department of
7 administration shall report to the legislature the status of
8 the comparable worth standard under Montana's classification
9 plan and pay schedules and shall make recommendations to the
10 legislature as to what impediments exist to meeting this
11 standard. The department shall continue to make such reports
12 until the standard is met.

-End-

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

<u>SENATE</u> BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS <u>DATE</u>	DO NOT PASS <u>DATE</u>	DO PASS AS AMEND. <u>DATE</u>	BE CON- CURRED IN <u>DATE</u>	BE CONC. IN AS AMENDED <u>DATE</u>	BE NOT CON- CURRED IN <u>DATE</u>
SB #199	1/18/83	2/8/83	2/15/83		2/15/83				
SB #210	1/19/83	2/1/83	2/10/83			2/10/83			
SB #213	1/19/83	2/1/83	2/5/83	2/5/83					
SB #215	1/19/83	2/1/83	2/10/83	2/10/83					
SB #273	1/24/83	2/1/83	2/5/83	2/5/83					
SB #315	1/28/83	2/8/83	2/15/83			2/15/83			
SB #333	2/1/83	2/10/83	2/17/83	2/17/83					
SB #377	2/8/83	2/17/83	(TABLED	IN COMMITTEE ON		2/18/83)			
SB #425	2/15/83	2/17/83	2/18/83	2/18/83					
SB #449	2/16/83	2/18/83	(TABLED	IN COMMITTEE ON		2/18/83)			
SB #463	2/18/83	2/18/83	2/18/83		2/18/83				
SJR #26	4/4/83	4/12/83	4/12/83	4/12/83					

Use a separate sheet for Senate, House Bills, and Resolutions.

MINUTES OF THE MEETING
LABOR & EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

February 17, 1983

The meeting of the Labor Committee was called to order by Chairman Gary C. Aklestad on February 17, 1983, at 1:00 p.m. in Room 404, State Capitol.

ROLL CALL: All members of the Committee were present.

CONSIDERATION OF SENATE BILL NO. 377:

Chairman Aklestad introduced Senator Eck, sponsor of Senate Bill 377, to the Committee, and Senator Eck presented the bill to the Committee.

Senate Bill No. 377 is an act revising the veterans and disabled persons preference law to change the nature of the preference and the procedures for applying it.

Senator Eck stated that Senate Bill 377 is a compromise bill. She further stated that the key words are, "substantially equally qualified".

Charles VanHook, representing himself, stated that he supports Senate Bill 377. Mr. VanHook's printed testimony is attached. (Exhibit No. 1)

Jan Gilman, representing ICCW, stated that they are in support of Senate Bill 377. J. Gilman's printed testimony is attached. (Exhibit No. 2)

Celinda Lake, representing Women's Lobbyist Fund, stated they support Senate Bill 377. C. Lake's printed testimony is attached. (Exhibit No. 3)

Mary Lisa Pryne, representing herself, spoke in support of Senate Bill 377. Her testimony is attached. (Exhibit No. 4)

Keith Phelps, representing himself, stated that he supports Senate Bill 377.

Dennis Taylor, representing the State Personnel Division, stated that they support Senate Bill 377. Mr. Taylor's printed testimony is attached along with a Comparison of Preference Bills. (Exhibit No. 5)

Dave Wilcox, representing the city of Missoula, stated that they support Senate Bill 377. He told the Committee that

2-17-83

QUESTIONS FROM THE COMMITTEE ON SENATE BILL NO. 377:

Senator Keating asked Walter Marshall: If a disabled veteran and another person were equally qualified, the veteran would have the edge for the job--if the veteran and another non-veteran made application for the same job and the veteran was not as well qualified as the non-veteran, do you think the veteran should get the job?

Walter Marshall: Yes sir, I do.

Senator Keating: Mr. Taylor, you are addressing the tie-breaker concept in dealing with classes. If this bill were to be modified and the affected classes were not here would that alleviate your problem in hiring people in a tie-breaker situation?

Dennis Taylor: It would help in clarification. It would help as to how the preference is to be applied.

Mr. Taylor also stated that he thinks certain statements should be defined and rule making should exist.

Senator Lynch: I am a strong believer in veterans' preference. Is there a vehicle whereby we could leave veterans' preference alone and have another section for other people?

Dennis Taylor: I believe this proposal by Senator Mazurek will help veterans and help employers to make a choice. I think it hurts veterans as it is now. They want clarification for the employer so they know what the policy is and how to apply it.

Senator Eck made closing remarks in support of the Senate Bill No. 377. Senator Eck stated that basically the question is what are we going to say to public employers or are they going to be required to hire the veteran when the veteran is minimally qualified and someone else is better qualified.

Senator Eck submitted a proposed amendment to Senate Bill 377. The proposed amendment is attached along with a Statement of Intent. These are attached. (Exhibit No. 11)

Chairman Aklestad called the hearing closed on Senate Bill No. 377.

CONSIDERATION OF SENATE BILL NO. 425:

Chairman Aklestad introduced Senator Regan, sponsor of Senate Bill No. 425, to the Committee, and Senator Regan presented the bill to the Committee.

Senate Bill No. 425 is an act to direct the Department of Administration to work toward the goal of establishing a

7

2-17-83

standard of equal pay for comparable work and to require the Department to report to the legislature the status of the standard under the state classification plan and pay schedules.

PROPOSERS OF SENATE BILL NO. 425:

Stacy Flaherty, representing Women's Lobbyist Fund, stated they support Senate Bill 425. S. Flaherty's printed testimony and a fact sheet are attached. (Exhibit No. 12)

R. Nadiean Jensen, representing the American Federation of state, county, and municipal employees, and the AFL-CIO, stated they are in support of Senate Bill 425. Her printed testimony is attached. (Exhibit No. 13)

Eileen Robbins, representing the Montana Nurses' Association, stated they support Senate Bill 425. E. Robbins' printed testimony is attached. (Exhibit No. 14)

Candace Crosby, representing Missoula Women's Lobbyist Fund, stated they support Senate Bill 425.

Jan Gilman, representing ICCW, stated that they are in support of Senate Bill No. 425. Her printed testimony is attached. (Exhibit No. 15)

Rose Leavitt, representing the Montana Federation of Business and Professional Women, stated they support Senate Bill 425.

Tom Schneider, representing Montana Public Employees Association, stated they support Senate Bill 425.

Dennis Taylor, representing the State Personnel Division, stated they support Senate Bill 425. Mr. Taylor presented an amendment. This amendment is attached. (Exhibit No. 16)

Harriet Meloy, representing American Association of University Women, stated they support Senate Bill 425. Her printed testimony is attached. (Exhibit No. 17)

QUESTIONS FROM THE COMMITTEE ON SENATE BILL NO. 425:

Senator Blaylock stated that he thinks comparable worth is being addressed in Montana.

Senator Regan presented an amendment to Senate Bill No. 425. This amendment is attached. (Exhibit No. 18)

Chairman Aklestad called the hearing closed on Senate Bill No. 425.

CONSIDERATION OF SENATE BILL NO. 449:

Chairman Aklestad introduced Senator Richard Manning, sponsor

ROLL CALL

LABOR

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/17/83

[illegible]

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



February 17, 1985

Ex. 3

COMPARABLE WORTH--SB 425

WOMEN IN THE WORKFORCE

Today 52% of all women are working. They compose 43% of the total labor force. 74% of these women must work as 26% have never married, 19% are widowed, divorced or separated and 29% are married with husbands earning less than \$15,000 a year.

THE WAGE GAP

While the number of women in the workforce has been increasing, evidence shows that their spending power has been stagnating. Since 1955, for all the full-time workers, every dollar men have earned women's earnings have declined such that today women make up to 69¢ for every dollar a man makes.

Even to the extent that women and men achieved equal educational status, the earning gap persists. Statistics show that despite qualifications:

- Fully employed female high school graduates earn, on the average, less than fully employed men who have not completed elementary school.
- Women with 1 to 3 years of college earn incomes that are, on the average, \$2000 less than men who have completed only the 8th grade.
- In 1985, a male truck driver with 9 years of education will earn \$16,000, while a female registered nurse with 14.2 years of education will earn \$11,970.

WHAT CAUSES THE WAGE GAP?

The wage gap is caused by "job segregation" and discriminatory employment practices. 50% of all employed women can be found in 4 occupations: clerk, saleswoman, teacher and registered nurse. Recent statistics reveal that women and men are still concentrated in traditionally female and male occupations.

<u>Female-Dominated Occupations</u>		<u>Male Dominated Occupations</u>	
	% Women		% Men
Registered Nurse	96.5%	Engineer	96.0%
Clerk	80.1%	Computer Specialist	93.3%
Retail Sales	71.1%	Lawyer and Judge	87.2%
Teacher	70.8%	Physician	86.6%

Job segregation is the most serious cause of the earnings gap and is as prevalent today as it was 70 years ago. Wages for traditionally female occupations have been continually depressed. "Women's work," because of the stereotypes held about women in general, has consistently been undervalued as compared to the jobs traditionally held by men.

ISSUE OF COMPARABLE WORTH

Comparable worth as an issue has arisen because of changing cultural values of the worth (appropriate compensation) of jobs.

Efforts to address the problem of wage discrimination have not increased women's salaries to equal men's. The Equal Pay Act of 1963, which mandates equal pay for equal work, applies to a relatively small percentage of women workers. Since most female workers are segregated into "women jobs", the rule of the "equal pay for equal work" is not applicable to them. Especially since "female jobs" have tended to be systematically undervalued compared to "male jobs."

THERE NEEDS TO BE A MORE REALISTIC METHOD OF EVALUATING JOBS TO DETERMINE THEIR WORTH. MANY JOBS, ALTHOUGH NOT IDENTICAL IN NATURE, HAVE COMPARABLE WORTH, AND ARE SIMILAR IN THE SKILLS, EFFORTS, RESPONSIBILITIES AND TRAINING REQUIRED. THE CONCEPT OF COMPARABLE WORTH SIGNIFIES THAT SUCH JOBS SHOULD BE PAID EQUALLY.

Feb. 17, 1983

WOMEN'S LOBBYIST FUND

TESTIMONY OF STACY A. FLAHERTY, WOMEN'S LOBBYIST FUND, BEFORE THE SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE CONCERNING SENATE BILL 245 ON FEBRUARY 17, 1983.

The work ethic is an essential part of the foundation underlying the American way of life. Basic to this ethic is the concept of a just reward for a job well done, which implies fairness on the part of the employers and opportunities for employees to get ahead. However, statistics and studies suggest that job fairness does not include all workers. Government and private sector figures document widespread job discrimination against women, resulting in unequal pay, or wage discrimination.

SB 245 seeks to address the issue of comparable worth in Montana state jobs. It directs the department of administration to work toward the goal of establishing a standard of equal pay for comparable worth. It also requires the department to report to the legislature about the status of comparable worth in the state classification system.

The Women's Lobbyist Fund's fact sheet addresses many of the questions concerned with the issue of comparable worth.

Laws providing equal pay for equal work have failed to bring an increase in the wages of the majority of working women. Equal pay for equal work must be broadened to include equal pay for the work of equal value, or comparable value. Working women, whose job contributions are equal to those of men, deserve to have equal financial reward.

Thank you for your consideration of Senate Bill 245; we urge a do pass.

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



EXHIBIT 12
Feb. 17, 1983

COMPARABLE WORTH--SB 425

WOMEN IN THE WORKFORCE

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Even to the extent that women and men achieved equal educational status, the earning gap persists. Statistics show that despite qualifications:

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ISSUE OF COMPARABLE WORTH

Comparable worth as an issue has arisen because of changing cultural values of the worth (appropriate compensation) of jobs.

Efforts to address the problem of wage discrimination have not increased women's salaries to equal men's. The Equal Pay Act of 1963, which mandates equal pay for equal work, applies to a relatively small percentage of women workers. Since most female workers are segregated into "women jobs", the rule of the "equal pay for equal work" is not applicable to them. Especially since "female jobs" have tended to be systematically undervalued compared to "male jobs."

THERE NEEDS TO BE A MORE REALISTIC METHOD OF EVALUATING JOBS TO DETERMINE THEIR WORTH. MANY JOBS, ALTHOUGH NOT IDENTICAL IN NATURE, HAVE COMPARABLE WORTH, AND ARE SIMILAR IN THE SKILLS, EFFORTS, RESPONSIBILITIES AND TRAINING REQUIRED. THE CONCEPT OF COMPARABLE WORTH SIGNIFIES THAT SUCH JOBS SHOULD BE PAID EQUALLY.

For example, many states have measured their classification system according to the following components: 1) knowledge and skills, which includes interpersonal communication skills; 2) mental demands--latitude for independent judgement and the extent of problem solving; 3) accountability--freedom to take action and 4) working conditions--physical effort, hazards and discomfort.

Implementing comparable worth would have positive effects. Closing the wage gap would:

- Reduce job segregation by attracting men into traditionally female occupations.
- Draw more people to areas of work where there are shortages of skilled employees, (i.e. nursing).
- Raise the social and economic status of women and their ability to support themselves.

ACHIEVING PAY EQUITY

In 1951, at the International Labor Organization Conference in Rome, 80 countries passed a resolution supporting comparable worth.

Legislation: At the state level in the United States, legislation has been introduced and passed in Minnesota, Washington, California, Idaho, Oregon, Connecticut, Michigan, as well as other states.

SB 245 is very similar to a Minnesota law which implemented a plan mandating the appropriate personnel agency to report to the legislature every two years on the status of comparable worth in their state classification system.

Litigation: In the case of Gunther V. the County of Washington, Oregon, the Supreme Court set a precedent by allowing Oregon jail matrons to argue a pay discrimination suit under Title VII of the Civil Rights Act. The women were paid 70% of what male guards received yet job evaluations showed they should have been paid 95% since nearly the same skill, effort and responsibility were required. This case will not necessarily open the way for broad challenges to pay structures but it may allow women to challenge pay practices even when their jobs are not identical to men's. It is also a signal to Congress that comprehensive legislation is needed to outlaw sex-bias in pay structures.

There is also legal pressure in Montana to examine and move toward comparable worth. A court case involving the comparable worth of nearly 200 eligibility technicians and interviewer I's is still pending in district court.

EQUAL PAY FOR EQUAL WORK MUST BE BROADENED TO INCLUDE EQUAL PAY FOR WORK OF EQUAL VALUE, OR COMPARABLE WORTH. WORKING WOMEN, WHOSE JOB CONTRIBUTIONS ARE EQUAL TO THOSE OF MEN, DESERVE EQUAL FINANCIAL REWARD.

SOURCES: Congressional Research Services, Library of Congress
National Commission on Working Women
Comparable Worth Project Newsletter
California Commission on the Status of Women
U.S. Labor Department
Annual Report to the Governor on the Montana EEO and Affirmative Action Program,
The Status of Women in Montana State Government, 1976
Women's Equity Action League
newspapers and magazines

EXHIBIT 13
Feb. 17, 1983

MONTANA STATE COUNCIL No. 9
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
Affiliated With A.F.L.-C.I.O.



Gerald W. McEntee
International President

William E. Lucy
International Secretary Treasurer

February 17, 1983

COUNCIL OFFICERS

John P. Walsh, President
1215 West Gold
Butte, MT 59701
Phone: 792-4816

Anita Davis, Secretary
1112 5th St
Deer Lodge, MT 59722
Phone: 846-3308

George E. McCammon, Treasurer
Rte 1, Box 144
Townsend, MT 59644
Phone: 266-3592

TESTIMONY OF R. NADIEAN JENSEN ON SENATE BILL NO. 425
SENATE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

VICE-PRESIDENTS

William Anderson
940 South Jordan
Miles City, MT 59301
Phone: 232-3304

James Cook
817 3rd Avenue
Havre, MT 59501
Phone: 265-4489

William McMullin
920 Anchor Street
Billings, MT 59101
Phone: 252-4093

Carolyn Squires
111 S. 10th St. W.
Missoula, MT 59801
Phone: 846-3308

Joe Geraghty
1550 Waterline Road
Butte, MT 59701
Phone: 494-4720

COUNCIL STAFF

Headquarters
600 N. Cooke
Helena, MT 59601
Phone: 442-1192

R. Nadiean Jensen
Executive Director

George F. Hagerman
Field Representative

Sharon Donaldson
Field Representative

Donnette McLane
Office Secretary

I am Nadiean Jensen, Executive Director of Montana Council No. 9, American Federation of State, County and Municipal Employees, and Vice President of the Montana State AFL-CIO, speaking in support of Senate Bill 425, which directs the State Department of Administration to work toward the goal of establishing a standard of equal pay for comparable worth.

Most of us are familiar with the concept of equal pay for equal work. The Federal Equal Pay Act and Affirmative Action programs were designed to assure that women are both paid equally for equal work and have equal access to all jobs. Nineteen years later, women nationally still only earn 59 cents for every dollar that men earn.

A 1982 Report by the National Research Council concluded that:

Pay differences persist when education, skill and experience are equal;

Past discriminatory pay practices have become part of the wage structure and have so far resisted attempts at correction;

Not only do women do different work than men, but also the work women do is paid less and the more an occupation is dominated by women, the less it pays.

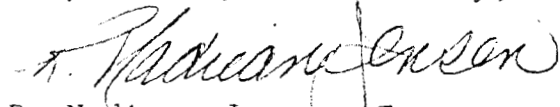
It is clear that equal pay programs only go so far in redressing economic grievances. Equal pay in a job that is held most often by women is not enough when one held most frequently by men pays more and requires no more training, responsibility or experience.

This bill is not just a matter of fairness it is a matter of prudence. In at least one instance, San Jose, California, a court ruled in favor of comparable worth. It makes sense for Montana to move toward an equitable system of pay on a gradual basis rather than have the courts make the decision in the future.

Nation-wide, AFSCME has been directly involved in the fight toward comparable worth. We believe that in making the effort to reach the goal of equal pay for equal work responsibility, the impact should be of a positive nature, not a negative one. The goal should not be to equalize pay of equal work responsibility by downgrading workers in higher grades, but to upgrade those workers who have comparable job responsibilities to the higher grades.

I urge the committee to give Senate Bill #425 a do pass.

Respectfully submitted by,



R. Nadiean Jensen, Executive Director
Montana Council #9, AFSCME, AFL-CIO



EXHIBIT 14
Feb. 17, 1983

Montana Nurses' Association

2001 ELEVENTH AVENUE

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

TESTIMONY SB 425

The Montana Nurses' Association supports SB 425. The registered nurse profession which is over 97% female, is the most outstanding example of the systematic discrimination against predominantly female occupations. The wage rates in jobs in which women and minorities have been historically segregated have been depressed principally because the low paying jobs are occupied by these groups. The fact that women and (racial) minorities have been economically exploited in an American society that has been traditionally dominated by white males is self-evident.

Comparable worth is not a replacement for equal pay for equal work or for programs of upward and lateral mobility; but it does address the needs of the majority of working women who are employed in occupations predominantly female. Allowing the strict interpretation placed upon the Equal Pay Act provisions only perpetuates discrimination of the large majority of women holding predominantly female and hence, low-paying jobs.

A major concern of working women over the years has been the gap between the earnings of men and women, especially its magnitude and persistence. According to the Bureau of Labor Statistics, women who worked at year-round, full-time positions earned only 59¢ for every dollar earned by men. What is so dismayi and distressing to working women is that the differential has not changed significantly in recent years.

Higher educational preparation does not appear to bring higher economic reward to women. In fact, in 1977 women with 4 years of college had lower incomes than men who had completed only the 8th grade.

It can rightfully be said that health work is women's work. Nursing, which functions at the core of all health care industry, has been traditionally a female occupation. Psychologists report that through the socialization process women as well as men tend to perceive work associated with women to be of less value than that done by men.

A 1975 report by the International Labor Conference states:

Almost everywhere there remains a clear division of labor by sex with jobs labeled as "men's work" and "women's work". While the line of demarcation may vary with the time and place, what is significant is the persistence of distinctions based upon sex discriminatory. It leads to recruitment based on sex rather than on capacity, and it perpetuates unproven beliefs about women's abilities and inabilities as workers. It creates a situation in which work traditionally done by men commands higher pay and prestige while that traditionally done by women is accorded lower pay and prestige and consistently undervalued. It has no inherent logic.

The earnings gap is too real to be ignored. There can be no economic equity for women without the principle of equal pay for work of comparable value.

The MNA, through collective bargaining, works for the principle of equal pay for comparable work; but often when nurses demand compensation that reflects their responsibilities, they are frequently reminded that nurses should seek their reward in heaven.

The Montana Nurses' Association would appreciate your support of SB 425.

Respectfully submitted,
Eileen Robbins
February 17, 1983

My name is Jan Gilman and I represent the Interdepartmental Coordinating Committee for Women (ICCW) a committee formed by the Governor to identify policies and procedures in state government which directly or indirectly result in discrimination against women. The ICCW believes it is important to address the issue of equal pay for comparable worth and strongly supports SB 425.

In Montana, women earn 69.4¢ for every dollar a man makes. This differential results only in part from the denial of promotional opportunities for women.

Studies made of wages paid in many industries show that approximately one-half of the differential between earnings of women and men results from the denial of equal pay for work of comparable value. When women work in traditional "female" job classifications and perform tasks which require the same skill, effort and responsibility as "male" jobs, they are denied pay equal to their male counterparts.

The current job evaluation methods for classification of state jobs do not produce equity among jobs. The classification system, like all classification systems, works to the advantage of men by assigning greater weight and importance to components of predominantly "men's" jobs. Conversely, the system works to the disadvantage of women by assigning less weight and importance to components of predominantly "women's" jobs. The majority of female employees in state government are in clerical and paraprofessional jobs. Over 90% of all clerical workers in state government are women and these women are being paid less than men who are

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EX 15 P2
2-17-83

performing different jobs which require no greater skill, effort or responsibility. Work of equal difficulty and responsibility must be recognized and rewarded appropriately in order to have an equitable system. Women work for the same reason men do: economic need.

Comparable worth has been successfully implemented in other state governments and in private industry. The State of Washington has a cost-effective classification system based on comparable worth.

The ICCW strongly recommends that any classification system modification be carefully examined to see that it works toward eradicating biases against the traditional "women's" jobs. We urge a do pass recommendation for SB 425.

20

WITNESS STATEMENT

AFTER EXHIBIT 15

NAME Rose Leavitt BILL No. SB425
ADDRESS 318 Harrison Helena DATE 2/17
WHOM DO YOU REPRESENT Montana Federation of Business & Prof. Women
SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Montana Federation of Business and Professional Women wish to go on record in support of SB 425.

In the February/March 1982 edition of the National Business Woman an article titled "Comparable Worth: A New Concept for Achieving Economic Equality" was published. This article states the position of the Federation and gives some valuable background information on the issue. We wish this information to be used as our testimony.

BEST COPY
AVAILABLE

NAME: DENNIS M. TAYLOR DATE: 2-17-83 EXHIBIT 16

ADDRESS: HELINA

PHONE: 449-3871

REPRESENTING WHOM? STATE PERSONNEL DIVISION - SRA

APPEARING ON WHICH PROPOSAL: SB 425

DO YOU: SUPPORT? X AMEND? X OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

2/17/83

AMENDMENTS TO SB425 (SENATOR REGAN)

1. Page 3, Line 8.

Following: "the"

Insert: "study of the"

Following: "standard"

Strike: "under"

Insert: "and the extent to which"

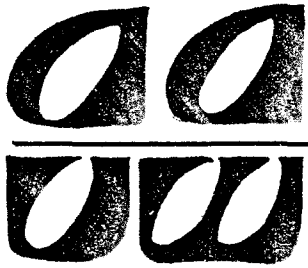
2. Page 3, line 9.

Following: "schedules"

Insert: "adhere to or fall short of the standard of equal pay for comparable worth. The department"

Section 2. Status report. The department of administration shall report to the legislature the status of the study of the comparable worth standard and the extent to which Montana's classification plan and pay schedules adhere to or fall short of the standard of equal pay for comparable worth. The department shall make recommendations to the legislature as to what impediments exist to meeting this standard. The department shall continue to make status reports until the standard is met.

Section 2. Status report. The department of administration shall report to the legislature the status of the study of the comparable worth standard and the extent to which Montana's classification plan and pay schedules adhere to or fall short of this standard. The department shall make recommendations to the legislature as to what impediments exist to meeting this standard. The department shall continue to make status reports until the standard is met.



American Association of University Women

February 17, 1983

Helena Branch

The purpose of the American Association of University Women is to improve education of women at all levels. Nationally, we provide 660 scholarships for women annually. Thus, AAUW is interested in securing opportunities for women in education, industry, government and the professions.

In Montana as in other states, AAUW encourages women to develop their skills to benefit the work force in Montana communities and the state.

We compete with men in the open market place for jobs, of course, but we believe all men and women need to be willing to address economic issues so that no discrimination exists concerning comparable salaries for comparable work at all levels of society. We must all--men and women alike--be willing to ensure equal opportunities for women-- equal pay for equal work done.

The principle of comparable worth will have an economic impact on our economy, but simple justice dictates that people be compensated on an equitable basis for comparable skills, training and responsibility.

We ask that you ^{endorse}~~support~~ Senate Bill 425.

Harriett Meloy, Legislative chair
American Association of University Women, Helena Branch

Senate Bill 425

by: Senator Regan

EXHIBIT 18
Feb. 17, 1983

Section 2. Status report. The department of Administration shall report to the legislature the status of the study of the comparable worth standard and the extent to which Montana's classification plan and pay schedules adhere to or fall short of the standard of equal pay for comparable worth. The department shall make recommendations to the legislature as to what impediments exist to meeting this standard. The department shall continue to make such reports until the standard is met.

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Harry Lange	League of Women Voters MT	377	X	
FREDERICK MACINTOSH	DEPT. OF MONTANA DISABLED AMERICAN VETERANS	377		X
Frank Lewis	Disabled & Maimed	377		X
George T. Albert	DAV Chapter 6 Butte	377		X
Walter H. Marshall	V.F.W.	377		X
Harold Burt	Self -	377		X
Robert Miller	Self	377		X
Madeline Jensen	AACME, AFL-CIO	425	X	
Jan Antonietti	USDL-VES	377		X
Rebecca M. Taylor	Personnel Div / DCA	425	X	
Celinda Lake	WLF	377	X	
Keith Phelps	self	377	X	
Debi Hunter	self	377 ⁴²⁵	X	
Phil Salzwedel	Self	377	X	
Kathleen G. Huber	VFW	377	X	
Mary Lisa Payne	self	377	X	
Synda Steele	self	425	X	
Tommy Cunningham	American League of W.	377		X
Norm R. Hill	Self - Leg Prof #2	377		X
Grant Wilson	Self	449	X	
Mary Beth Linder	self	377	X	
Lester Larson	self	377	X	
Leon R. Nypel	self	449	X	
Hazel A. Flaherty	Women's Lobbyist Fund	245	X	
Raymond A. Callahan	Lewis + Clark HS D.A.V	377		X
Leonard Barnes	LEWIS & CLARK D.A.V	377		X

(Please leave prepared statement with Secretary)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Opfer Brown	Personnel & Lab. Rel. Staff Con	377	☒	
Bobbie Chalkin	Admin ^{Handicapped Coordinator} Personnel	377	☒	
James Shannon	DAV	377		☒
Paul Kain	Def. of Women ^{ICW} Rep.	377	☒	
Marvin Schutt	DAV	377		☒
Candace Crosby	Women's Employment Network	377	☒	
James A. Hoyer	L & G DAV	377 425	☒	☒
W.C. Cunningham	L & C DAV	377		☒
Jan Gelman	ICW	377	☒	
David Wilson	City of Missoula	377	☒	
Neil Johnson	I.S.S.W. (Livestock)	377	☒	
Allen H. Cuddeback	DAV	377		☒
Sue Bartlett	Self	377	☒	
Sue Bartlett	Self	425	☒	
Linda Sharr	Self	377	☒	☒
Betty R. Taylor	Self - DOH	377	☒	
Janet M. Sullivan	Self	377	☒	
Laurie Hanson	ICW	377	☒	
Laurie Hanson	ICW	425	☒	
Jan Gelman	ICW	425	☒	
Blackie Hubert	Self	377		☒
Don Wright	Self	377		☒
Wayne Rich	Am. Legion Post 14	377		☒
John Leavitt	MT Bus + Prof. Workers	425	☒	
Monte Schumacher	MT PEA	425	☒	

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Melody Braun	MT Nurses Assoc	425	X	
Elise Robbins	Mont Nurses Assoc	425	X	
Deanna Bornhofs	Self	377	X	
Deanna Bornhofs	Self	425	X	
Theresa West	Self	377	X	
Barbara P. Duman	Self - Vietnam	377		X
Carol Barber	ICCW	377 425	X	
Lynne Scott	WLE	377 425	X	
Wanda M. Jacobson	Self	377 425	X ^x	
Barbara C. Delag	Amer. Assoc Univ Women	425	X	
Gerry Langer	LWV MT	425	X	
Robin Butron	BPW	425	X	
Hary Flaherty	Women's Lobbyist Fund	425	X	
Laura Nicholson	League of Women Voters	425	X	
Berie McNett	Self	425 377	X	
Paul Dimech	Self	425 377	X	
Lynn M. Taylor	Personnel Div / DZA	377	X	
Joanne Sullivan	Self	425	X	

MINUTES OF THE MEETING
LABOR & EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

February 18, 1983

The meeting of the Labor Committee was called to order by Chairman Gary C. Aklestad on February 18, 1983, at 3:30 p.m. in Room 404, State Capitol.

ROLL CALL: All members of the Committee were present.

ACTION ON SENATE BILL NO. 449:

Senator Galt moved that Senate Bill No. 449 be tabled. The Committee voted unanimously by voice vote to TABLE SENATE BILL NO. 449.

ACTION ON SENATE BILL NO. 425:

Senator Goodover moved that Senate Bill No. 425 Do Pass. On a Roll Call Vote, the Committee voted 6-2 that SENATE BILL NO. 425 DO PASS. This Roll Call Vote is attached.

ACTION ON SENATE BILL NO. 197:

Senator Blaylock offered two amendments to Senate Bill No. 197. These amendments are attached. (Exhibit No. 1)

Senator Blaylock moved that the first of his two proposed amendments Do Pass. On a Roll Call Vote the motion failed 5-2. The Roll Call Vote is attached.

Senator Blaylock moved that the second of his proposed amendments Do Pass. On a Roll Call Vote, the motion failed 5-2. The Roll Call Vote is attached.

Senator Goodover moved that Senate Bill 197 Do Not Pass. Senator Lynch made a substitute motion to table Senate Bill 197. On a Roll Call Vote, the Committee voted 5-2 to TABLE SENATE BILL NO. 197. The Roll Call Vote is attached.

ACTION ON SENATE BILL NO. 377:

Senator Blaylock moved that Senate Bill No. 377 Do Pass. Senator Lynch then made a substitute motion that Senate Bill No. 377 be tabled. On a Roll Call Vote, the Committee voted 6-1 to TABLE SENATE BILL NO. 377. The Roll Call Vote is attached.

CONSIDERATION OF SENATE BILL NO. 463:

Senator Bob Brown presented the bill to the Committee in the absence of the bill's sponsor, Senator George McCallum.

ROLL CALL

LABOR

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/18/83

NAME	PRESENT	ABSENT	EXCUSED
TOM KEATING, VICE-CHAIRMAN	✓		
JACK GALT	✓		
PAT GOODOVER	✓		
DELWYN GAGE	✓		
CHET BLAYLOCK	✓		
JOHN LYNCH	✓		
DICK MANNING	✓		
GARY AKLESTAD, CHAIRMAN	✓		

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SENATE COMMITTEE LABOR

Date 2/18/83 Senate Bill No. 425 Time 3:40 pm

NAME	YES	NO
TOM KEATING, VICE-CHAIRMAN		✓
JACK GALT	✓	
PAT GOODOVER	✓	
DELWYN GAGE	✓	
CHET BLAYLOCK	✓	
JOHN LYNCH	✓	
DICK MANNING	✓	
GARY AKLESTAD, CHAIRMAN		✓

Marjorie Nichols
Secretary

Senator Gary C. Aklestad
Chairman

Motion: Senator Goodover moved that Senate Bill No. 425
Do Pass.

Motion carried 6-2.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 18, 19 83

MR. **PRESIDENT:**

We, your committee on **LABOR & EMPLOYMENT RELATIONS**

having had under consideration **SENATE** Bill No. **425**

Respectfully report as follows: That **SENATE** Bill No. **425**

DO PASS

HOUSE LABOR AND
EMPLOYMENT RELATIONS
COMMITTEE

1983

WILLIAMS, J. MELVIN, CHAIRMAN
BOB DOZIER, VICE CHAIRMAN

ADDY, KELLY
BACHINI, ROBERT
BROWN, JAN
DRISCOLL, JERRY
ELLERD, BOB
FARRIS, CAROL
HANNAH, TOM
HARPER, HAL
JONES, TOM
McCORMICK, LLOYD
MILLER, RON
PAVLOVICH, BOB
SEIFERT, CARL
SMITH, CLYDE
THOFT, BOB

Researchers: Woody Wright
Anne Brodsky
Secretary: Emelia A. Satre

STATUS SHEET
HOUSE LABOR AND
EMPLOYMENT RELATIONS COMMITTEE

Page 12

____ Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 210	Authorizes the unemployment insurance division to use a portion of contributions from employers for certain adm. purposes	3/1	Dover	3/8	BE CONCURRED IN	3/17
SB 213	Rounds unemployment compensation to the nearest lower full dollar amount; Dept. of Labor doesn't need to publish annual benefit schedule	2/12	Dover	3/8	BE CONCURRED IN	3/10
SB 215	Provides a 1-week waiting period between unemployment compensation benefit years when the claimant is in a compensable, etc.	3/1	Dover	3/8	BE CONCURRED IN	3/17
SB 273	Provides for a change in the minimum qualifying wages for unemployment insurance	2/12 ret. 3/22	Dover	3/8	AND AS AMENDED BE CONCURRED IN AND AS AMENDED BE CONCURRED IN	3/17 3/22
SB 425	Directs the Dept. of Adm. to work toward the goal of establishing a standard of equal pay for comparable worth, etc.	3/1	Regan	3/10	BE CONCURRED IN	3/10
SB 453	Provides that the fee charged by an employment agency is to be based on the first full month's gross income; etc.	3/1	Fuller	3/10	AND AS AMENDED BE CONCURRED IN	3/10

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HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE MINUTES
March 10, 1983

The House Labor and Employment Relations Committee convened at 12:30 p.m. on March 10, 1983, in Room 224K of the State Capitol with Vice-Chairman Dozier presiding and all members present except Chairman Williams, who was testifying on a bill in the Senate, and Rep. Jones, who was excused. Vice-Chairman Dozier opened the meeting to a hearing on Senate Bill 453.

SENATE BILL 453

SENATOR DAVID FULLER, District 15, chief sponsor, said this in an act that provides that the fee charged by an employment agency is to be based on the first full month's gross income. He said the department suggests one short amendment and that is to strike on page 2, line 23, "on passage and approval" and insert "July 1, 1983."

NOEL STOUT, Private Employment Association, said the law as it now is written says the fee is based on the annual salary and so legally no fee could be charged until the person had worked a year. He said they had placed 3,897 people last year state-wide. He said they hoped the committee would look favorably on this bill.

GLENN DRAKE, Private Employment Agency Association, spoke in support and a copy of his statement is Exhibit 1.

DICK KANE, Labor Standards Division, Department of Labor, said they suggested the amendment so the employment agencies would not need to send in for a new license now and then have to renew on the July 1 date. He said this would save them about \$15 each.

DON JUDGE, Montana State AFL-CIO, spoke in support and a copy of his testimony is Exhibit 2.

SENATOR Fuller closed.

Questions were asked by the committee.

Rep. Bachini asked Mr. Stout what the charge is. Mr. Stout said each agency has the right to charge what they wish. He said that is not an issue in this bill, but the issue is the ability to charge someone right now instead of waiting a year.

Rep. Addy asked if their volume of work was decreasing or increasing. Mr. Stout said he hasn't seen too much of a change. He said there is a lot of people looking for work. He said this puts the burden on them to do a better job.

Vice-Chairman Dozier closed the meeting on this bill and opened the hearing on Senate Bill 425.

SENATE BILL 425

SENATOR PAT REGAN, District 41, chief sponsor, said the bill directs the Department of Administration to work toward a goal of equal pay for comparable worth and will require that the department report the status of the standard under the state classification plan and pay schedules to the legislature. She said about 17 years ago the law required that people be paid equal pay for equal work. Between 1955 and 1969 about 59 cents per dollar was the comparison between women and men's salaries. Occupations primarily occupied by women enjoyed a low status and low pay schedule. She said in examining the classification, the job and not the worker should be looked at. She said statistics show today that in state government the average female worker gets about 73 percent of the average male worker. She said section 2 of the bill calls for the administration to report back to the legislature on how closely they meet the standard and what the obstacles are to meeting the schedule.

STACY A. FLAHERTY, Women's Lobbyist Fund, spoke in support and a copy of her testimony is Exhibit 3 and a copy of a fact sheet she distributed to the members is Exhibit 4.

EILEEN ROBBINS, Montana Nurses Association, spoke in support and a copy of her testimony is Exhibit 5.

JAN GILMAN, Interdepartmental Coordinating Committee for Women, spoke next in support and a copy of her testimony is Exhibit 6.

NANCY J. HARTE, Montana Democratic Party, spoke in support and said they concur with the previous proponents.

HARRIET MELOY, American Association of University Women, spoke next in support and a copy of her testimony is Exhibit 7.

JOE ROBERTS, Montana Public Employees Association, spoke next in support. He said they agree with the previous testimony.

DENNIS TAYLOR, Personnel Division, Department of Administration spoke in support. He said we need to move from our present qualitative system to a quantitative system in evaluating and comparing positions. He said he was happy to report that of March women's starting salary was 75.8 percent of men's and of those currently employed the comparison was 74.8 percent. He said state government is doing better along these lines than other Montana employers.

R. NADIEAN JENSEN, AFSCME, spoke in support and a copy of her testimony is Exhibit 8.

ROSE LEAVITT, Business and Professional Women's Clubs, spoke in support of the bill.

DON JUDGE, Montana State AFL-CIO, spoke in support and a copy of his testimony is Exhibit 9.

KATHY KARP, Montana League of Women Voters, spoke in support of the bill.

SENATOR REGAN in closing said this is a God and motherhood bill.

Questions were asked by the committee.

Rep. Driscoll suggested an amendment that the steps of the classification system be studied.

Rep. Ellerd asked why this wasn't a resolution instead of a bill. He felt it should be a study.

Mr. Taylor said the reason it is before the legislature is that there are equity problems in the current system and there is a need to analyze the reasons for that and then come back to the legislature and talk about ways to correct the problems.

Senator Regan said this is going to take time and the sponsoring people want the department to report back to subsequent legislatures.

Rep. Addy asked if this only affects people under the state classification system plan and the answer was yes. He said as he reads the bill it puts two requirements on the Department of Administration and that is they have to report back to the legislature on the extent to which they have satisfied the female versus male pay standards and point out any obstacles that keep them from achieving a standard of equity. He asked Mr. Taylor how extensive his revision of the classification plan would be.

Mr. Taylor said his purpose is to use the same factors to determine the skill level of all jobs. He said he plans to replace qualitative with quantitative factors in this analysis.

Rep. Hannah questioned just what that would mean.

Senator Regan said an example is a top notch secretary has

worked for 17 years and is being paid the same wage as the parking lot attendant. This is not equal pay for equal worth. She said they have to go through the classification and go across job families to determine comparable worth.

Rep. Hannah said he still didn't know what Mr. Taylor meant by qualitative and quantitative factors.

Senator Regan cited an example again of secretaries. She said early on in the 1800s secretaries were men and they had a fine hand and did a good job and they were paid sufficiently so they could raise a family. Then came the invention of the typewriter and now women with skills as great or greater are paid much less taking salary on a historic base. She called in an occupational ghetto. Also teaching was considered a genteel profession and not paid much until after World War II and more men entered the profession. Then the wages improved. She said women don't necessarily work to supplement income.

Vice-Chairman Dozier closed the hearing on this bill and since Chairman Williams had returned, Chairman Williams opened the meeting to an executive session.

EXECUTIVE SESSION

SENATE BILL 425 Rep. Ellerd moved BE NOT CONCURRED IN. He said this should be a study and he didn't see how the committee could pass it out as a law to go on the books.

Rep. Addy moved a substitute motion of BE CONCURRED IN. He said Senator Regan's point, and he felt that it was true, that this would take more than a year and he said the meat of the bill is in lines 2 to 5 on the back page, which is to report to the Legislature on the status of the study of the comparable worth standard and the extent to which the classification system adheres to or falls short of the standard of equal pay for comparable worth.

Rep. Farris moved to amend to have the bill reflect the current statistics - change 69.4% to 74.8%. Rep. Dozier asked Senator Regan her reaction to this since it would need to return to the Senate to have the amendment approved. She said why don't you just let it fly. The researcher, Anne Brodsky, said the statistics refer to a certain period. Rep. Farris withdrew her motion.

The question was called and the motion of BE CONCURRED IN carried with Rep. Ellerd voting no and Reps. Harper, Jones, and Smith absent.

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SENATE BILL 453 Rep. Brown moved BE CONCURRED IN. Rep. Addy moved to amend on page 2, line 13, to strike "on passage and approval" and to insert "July 1, 1983." This motion carried and Rep. Brown expanded his motion to AS AMENDED BE CONCURRED IN. This motion carried unanimously with all present. Absent now were Reps. Harper and Jones.

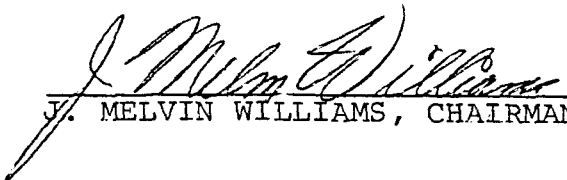
SENATE BILL 210 Rep. Ellerd moved that this bill not be acted on until the three other bills in the package (SBs 213, 215, 273) have been acted on. The motion carried with Reps. Farris, Addy, Dozier and Williams voting no and the same absent.

HOUSE BILL 213 Rep. Addy moved BE CONCURRED IN. This motion carried with Reps. Dozier, Farris, McCormick, Pavlovitch, Driscoll voting no; and absent were Reps. Harper and Jones.

Chairman Williams said amendments have been suggested for SB 215 and SB 273 which need further consideration so no further action would be taken until the next meeting.

Meeting adjourned at 1:40 p.m.

Respectfully submitted,


J. MELVIN WILLIAMS, CHAIRMAN

Emelia A. Satre, Sec.

STANDING COMMITTEE REPORT

March 10, 1983

MR. **SPEAKER:**

We, your committee on **LABOR AND EMPLOYMENT RELATIONS**

having had under consideration **SENATE** Bill No. **425**

third reading copy (blue)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO WORK TOWARD THE GOAL OF ESTABLISHING A STANDARD OF EQUAL PAY FOR COMPARABLE WORTH AND TO REQUIRE THE DEPARTMENT TO REPORT TO THE LEGISLATURE THE STATUS OF THE STANDARD UNDER THE STATE CLASSIFICATION PLAN AND PAY SCHEDULES."

Respectfully report as follows: That **SENATE** Bill No. **425**

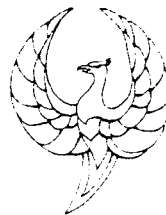
BE CONCURRED IN

XXXXXX
DO PASS

J. MELVIN WILLIAMS Chairman.

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



TESTIMONY OF STACY A. FLAHERTY, WOMEN'S LOBBYIST FUND, BEFORE THE HOUSE LABOR AND EMPLOYMENT COMMITTEE CONCERNING SB 425, ON MARCH 10, 1983

The work ethic is an essential part of the foundation underlying the American way of life. Basic to this ethic is the concept of a just reward for a job well done, which implies fairness on the part of the employers and opportunities for employees to get ahead. However, statistics and studies suggest that job fairness does not include all workers. Government and private sector figures document widespread job discrimination against women, resulting in unequal pay, or wage discrimination.

Efforts to address the problem of wage discrimination have not increased women's salaries to equal men's. The Equal Pay Act of 1963, which mandates equal pay for equal work, applies to a relatively small percentage of women workers. Since most female workers are segregated into "women's jobs" the rule of the "equal pay for equal work" is not applicable to them. This segregation of jobs into "men's " and "women's" work is prevalent throughout the U.S. economy. Of the 441 occupations listed by the U.S. Census Bureau, women are concentrated in 20 classifications--classifications which are also among the lowest paid.

There needs to be a more realistic method of evaluating jobs to determine their worth. Many jobs, although not identical in nature, have comparable worth, and are similar in the skills, efforts, responsibilities and training required. The concept of comparable worth signifies that such jobs should be paid equally.

SB 425 seeks to address the issue of comparable worth in Montana state jobs. It directs the Department of Administration to work toward the goal of establishing a standard of equal pay for comparable worth. It also requires the department to report to the legislature about the status of comparable worth in the state classification system.

The Women's Lobbyist Fund's fact sheet addresses many of the questions about the issue of comparable worth.

Laws providing equal pay for equal work have failed to bring an increase in the wages of the majority of working women. Equal pay for equal work must be broadened to include equal pay for work of equal value, or comparable value. Working women, whose job contributions are equal to those of men, deserve to have equal financial reward.

Thank you for your consideration of Senate Bill 425; we urge a do pass.

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



COMPARABLE WORTH--SB 425

SENATE BILL 425(Regan and others)

AN ACT TO DIRECT THE DEPARTMENT OF ADMINISTRATION TO WORK TOWARD THE GOAL OF ESTABLISHING A STANDARD OF EQUAL PAY FOR COMPARABLE WORTH AND TO REQUIRE THE DEPARTMENT TO REPORT TO THE LEGISLATURE THE STATUS OF THE STANDARD UNDER THE STATE CLASSIFICATION PLAN AND PAY SCHEDULES.

WOMEN IN THE WORKFORCE

Today 52% of all women are working. They compose 43% of the total labor force. 74% of these women must work as 26% have never married, 19% are widowed, divorced or separated and 29% are married with husbands earning less than \$15,000 a year.

THE WAGE GAP

While the number of women in the workforce has been increasing, evidence shows that their spending power has been stagnating. Since 1955, for all the full-time workers, every dollar men have earned women's earnings have declined such that today women make up to 69¢ for every dollar a man makes.

Even to the extent that women and men achieved equal educational status, the earning gap persists. Statistics show that despite qualifications:

- Fully employed female high school graduates earn, on the average, less than fully employed men who have not completed elementary school.
- Women with 1 to 3 years of college earn incomes that are, on the average, \$2000 less than men who have completed only the 8th grade.
- In 1985, a male truck driver with 9 years of education will earn \$16,000, while a female registered nurse with 14.2 years of education will earn \$11,970.

WHAT CAUSES THE WAGE GAP?

The wage gap is caused by "job segregation" and discriminatory employment practices. 50% of all employed women can be found in 4 occupations: clerk, saleswoman, teacher and registered nurse. Recent statistics reveal that women and men are still concentrated in traditionally female and male occupations.

<u>Female-Dominated Occupations</u>		<u>Male Dominated Occupations</u>	
	% Women		% Men
Registered Nurse	96.5%	Engineer	96.0%
Clerk	80.1%	Computer Specialist	93.3%
Retail Sales	71.1%	Lawyer and Judge	87.2%
Teacher	70.8%	Physician	86.6%

Job segregation is the most serious cause of the earnings gap and is as prevalent today as it was 70 years ago. Wages for traditionally female occupations have been continually depressed. "Women's work," because of the stereotypes held about women in general, has consistently been undervalued as compared to the jobs traditionally held by men.

ISSUE OF COMPARABLE WORTH

Comparable worth as an issue has arisen because of changing cultural values of the worth (appropriate compensation) of jobs.

Efforts to address the problem of wage discrimination have not increased women's salaries to equal men's. The Equal Pay Act of 1963, which mandates equal pay for equal work, applies to a relatively small percentage of women workers. Since most female workers are segregated into "women jobs", the rule of the "equal pay for equal work" is not applicable to them. Especially since "female jobs" have tended to be systematically undervalued compared to "male jobs."

THERE NEEDS TO BE A MORE REALISTIC METHOD OF EVALUATING JOBS TO DETERMINE THEIR WORTH. MANY JOBS, ALTHOUGH NOT IDENTICAL IN NATURE, HAVE COMPARABLE WORTH, AND ARE SIMILAR IN THE SKILLS, EFFORTS, RESPONSIBILITIES AND TRAINING REQUIRED. THE CONCEPT OF COMPARABLE WORTH SIGNIFIES THAT SUCH JOBS SHOULD BE PAID EQUALLY.

For example, many states have measured their classification system according to the following components: 1) knowledge and skills, which includes interpersonal communication skills; 2) mental demands--attitude for independent judgement and the extent of problem solving; 3) accountability--freedom to take action and 4) working conditions--physical effort, hazards and discomfort.

Implementing comparable worth would have positive effects. Closing the wage gap would:

- Reduce job segregation by attracting men into traditionally female occupations.
- Draw more people to areas of work where there are shortages of skilled employees, (i.e. nursing).
- Raise the social and economic status of women and their ability to support themselves.

ACHIEVING PAY EQUITY

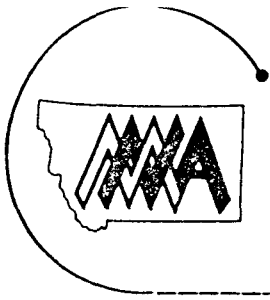
In 1951, at the International Labor Organization Conference in Rome, 80 countries passed a resolution supporting comparable worth.

Legislation: At the state level in the United States, legislation has been introduced and passed in Minnesota, Washington, California, Idaho, Oregon, Connecticut, Michigan, as well as other states.

SB 245 is very similar to a Minnesota law which implemented a plan mandating the appropriate personnel agency to report to the legislature every two years on the status of comparable worth in their state classification system.

Litigation: In the case of Gunther V. the County of Washington, Oregon, the Supreme Court set a precedent by allowing Oregon jail matrons to argue a pay discrimination suit under Title VII of the Civil Rights Act. The women were paid 70% of what male guards received yet job evaluations showed they should have been paid 95% since nearly the same skill, effort and responsibility were required. This case will not necessarily open the way for broad challenges to pay structures but it may allow women to challenge pay practices even when their jobs are not identical to men's. It is also a signal to Congress that comprehensive legislation is needed to outlaw sex-bias in pay structures.

There is also legal pressure in Montana to examine and move toward comparable worth. A court case involving the comparable worth of nearly 200 eligibility technicians and interviewer I's is still pending in district court.



Montana Nurses' Association

2001 ELEVENTH AVENUE

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

TESTIMONY SB 425

The Montana Nurses' Association supports SB 425. The registered nurse profession which is over 97% female, is the most outstanding example of the systematic discrimination against predominantly female occupations. The wage rates in jobs in which women and minorities have been historically segregated have been depressed principally because the low paying jobs are occupied by these groups. The fact that women and (racial) minorities have been economically exploited in an American society that has been traditionally dominated by white males is self-evident.

Comparable worth is not a replacement for equal pay for equal work or for programs of upward and lateral mobility; but it does address the needs of the majority of working women who are employed in occupations predominantly female. Allowing the strict interpretation placed upon the Equal Pay Act provisions only perpetuates discrimination of the large majority of women holding predominantly female and hence, low-paying jobs.

A major concern of working women over the years has been the gap between the earnings of men and women, especially its magnitude and persistence. According to the Bureau of Labor Statistics, women who worked at year-round, full-time positions earned only 59¢ for every dollar earned by men. What is so dismaying and distressing to working women is that the differential has not changed significantly in recent years.

Higher educational preparation does not appear to bring higher economic reward to women. In fact, in 1977 women with 4 years of college had lower incomes than men who had completed only the 8th grade.

It can rightfully be said that health work is women's work. Nursing, which functions at the core of all health care industry, has been traditionally a female occupation. Psychologists report that through the socialization process women as well as men tend to perceive work associated with women to be of less value than that done by men.

A 1975 report by the International Labor Conference states:

Almost everywhere there remains a clear division of labor by sex with jobs labeled as "men's work" and "women's work". While the line of demarcation may vary with the time and place, what is significant is the persistence of distinctions based upon sex discriminatory. It leads to recruitment based on sex rather than on capacity, and it perpetuates unproven beliefs about women's abilities and inabilities as workers. It creates a situation in which work traditionally done by men commands higher pay and prestige while that traditionally done by women is accorded lower pay and prestige and consistently undervalued. It has no inherent logic.

The earnings gap is too real to be ignored. There can be no economic equity for women without the principle of equal pay for work of comparable value.

4

The MNA, through collective bargaining, works for the principle of equal pay for comparable work; but often when nurses demand compensation that reflects their responsibilities, they are frequently reminded that nurses should seek their reward in heaven.

The Montana Nurses' Association would appreciate your support of SB 425.

Respectfully submitted,
Eileen Robbins
March 10, 1983

My name is Jan Gilman and I represent the Interdepartmental Coordinating Committee for Women (ICCW) a committee formed by the Governor to identify policies and procedures in state government which directly or indirectly result in discrimination against women. The ICCW believes it is important to address the issue of equal pay for comparable worth and strongly supports SB 425.

In Montana, women earn 69.4¢ for every dollar a man makes. This differential results only in part from the denial of promotional opportunities for women.

Studies made of wages paid in many industries show that approximately one-half of the differential between earnings of women and men results from the denial of equal pay for work of comparable value. When women work in traditional "female" job classifications and perform tasks which require the same skill, effort and responsibility as "male" jobs, they are denied pay equal to their male counterparts.

The current job evaluation methods for classification of state jobs do not produce equity among jobs. The classification system, like all classification systems, works to the advantage of men by assigning greater weight and importance to components of predominantly "men's" jobs. Conversely, the system works to the disadvantage of women by assigning less weight and importance to components of predominantly "women's" jobs. The majority of female employees in state government are in clerical and paraprofessional jobs. Over 90% of all clerical workers in state government are women and these women are being paid less than men who are

performing different jobs which require no greater skill, effort or responsibility. Work of equal difficulty and responsibility must be recognized and rewarded appropriately in order to have an equitable system. Women work for the same reason men do: economic need.

Comparable worth has been successfully implemented in other state governments and in private industry. The State of Washington has a cost-effective classification system based on comparable worth.

The ICCW strongly recommends that any classification system modification be carefully examined to see that it works toward eradicating biases against the traditional "women's" jobs. We urge a do pass recommendation for SB 425.



American Association of University Women

Helena Branch

The American Association of University Women works to improve education of women at all levels. Nationally, we provide 160 scholarships for women annually.

AAUW is interested in securing opportunities for women in education, industry, government and the professions.

In Montana as in other states we are interested in women developing their skills to benefit Montana communities and state.

Though we women are willing to compete with men in the open market place for jobs, we believe all men and women need to be willing to address economic issues so that no discrimination exists as we judge comparable salaries for comparable worth in all levels of society. We must all--men and women alike--be willing to ensure equal opportunities for women--equal pay for equal work done.

The principle of comparable worth will have an economic impact ~~on our economy~~, but simple justice dictates that people be compensated on an equitable basis for comparable skills, training and responsibility.

We ask that you ~~support~~ Senate Bill 425.

recommend a do-pass

Henriet McCoy
Legis Chair
Helena Branch
AAUW.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
Affiliated With A.F.L.-C.I.O.



Gerald W. McEntee
International President

William E. Lucy
International Secretary-Treasurer

March 10, 1983

TESTIMONY OF R. NADIEAN JENSEN ON SENATE BILL NO. 425
HOUSE LABOR AND EMPLOYMENT RELATIONS COMMITTEE

I am Nadiean Jensen, Executive Director of Montana Council No. 9, American Federation of State, County and Municipal Employees, and Vice President of the Montana State AFL-CIO, speaking in support of Senate Bill 425, which directs the State Department of Administration to work toward the goal of establishing a standard of equal pay for comparable worth.

Most of us are familiar with the concept of equal pay for equal work. The Federal Equal Pay Act and Affirmative Action programs were designed to assure that women are both paid equally for equal work and have equal access to all jobs. Nineteen years later, women nationally still only earn 59 cents for every dollar that men earn.

A 1982 Report by the National Research Council concluded that:

Pay differences persist when education, skill and experience are equal;

Past discriminatory pay practices have become part of the wage structure and have so far resisted attempts at correction;

Not only do women do different work than men, but also the work women do is paid less and the more an occupation is dominated by women, the less it pays.

COUNCIL OFFICERS

John P. Walsh, President
1215 West Gold
Butte, MT 59701
Phone 792-4816

Arnta Davis, Secretary
1112 5th St
Deer Lodge, MT 59722
Phone 846-3308

George E. McCammon, Treasurer
Rte 1, Box 144
Townsend, MT 59644
Phone 266-3592

VICE-PRESIDENTS

William Anderson
940 South Jordan
Miles City, MT 59301
Phone 232-3304

James Cook
817 3rd Avenue
Havre, MT 59501
Phone 265-4489

William McMullin
920 Anchor Street
Billings, MT 59101
Phone 252-4093

Carolyn Squires
111 S. 10th St. W
Missoula, MT 59801
Phone 846-3308

Joe Geraghty
1550 Waterline Road
Butte, MT 59701
Phone 494-4720

COUNCIL STAFF

Headquarters
600 N. Cooke
Helena, MT 59601
Phone 442-1192

R. Nadiean Jensen
Executive Director

George F. Hagerman
Field Representative

Sharon Donaldson
Field Representative

Dennette McLane
Office Secretary

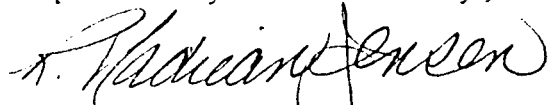
It is clear that equal pay programs only go so far in redressing economic grievances. Equal pay in a job that is held most often by women is not enough when one held most frequently by men pays more and requires no more training, responsibility or experience.

This bill is not just a matter of fairness it is a matter of prudence. In at least one instance, San Jose, California, a court ruled in favor of comparable worth. It makes sense for Montana to move toward an equitable system of pay on a gradual basis rather than have the courts make the decision in the future.

Nation-wide, AFSCME has been directly involved in the fight toward comparable worth. We believe that in making the effort to reach the goal of equal pay for equal work responsibility, the impact should be of a positive nature, not a negative one. The goal should not be to equalize pay of equal work responsibility by downgrading workers in higher grades, but to upgrade those workers who have comparable job responsibilities to the higher grades.

I urge the committee to give Senate Bill #425 a do pass.

Respectfully submitted by,



R. Nadiean Jensen, Executive Director
Montana Council #9, AFSCME, AFL-CIO



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF DON JUDGE ON SENATE BILL 425, BEFORE THE HOUSE COMMITTEE ON
LABOR AND EMPLOYMENT RELATIONS, MARCH 10, 1983

I am Don Judge representing the Montana State AFL-CIO. We support Senate Bill 425, which is a step in the right direction towards establishing equal pay for work of comparable value.

Both the Montana State AFL-CIO and the National AFL-CIO have adopted convention positions in strong support of equal pay for comparable worth, as a matter of justice and fairness. Equal pay for equal work is an important principle, but it is not sufficient in achieving real equality because most women do not do the work of most men.

Working women continue to suffer from widespread wage discrimination in the workplace. Comparable worth is a crucial issue for the 42 million American women working outside the home. Eighty percent of those women are segregated in overwhelmingly female job occupations which have been traditionally underpaid and undervalued.

A number of other states are beginning to initiate equal pay for comparable work. Connecticut has just completed a three-year study of state jobs and found that in general women workers were getting between 10 percent and 20 percent less than men. Idaho has revamped its job structure upgrading pay of women's jobs. Michigan has launched a comparable worth study of its jobs and Massachusetts has formed a committee to look at Civil Service.

We believe that Montana should develop a system in which there is a guarantee that all job classifications will be reviewed to assure that a test of comparable worth of the job is built into the system.

We would like to stress, however, that in making the effort to reach the goal of equal pay for equal work responsibility, that the impact should be of a positive nature, not a negative one. It is not our goal to equalize pay of equal work responsibility by downgrading the wages of workers in the higher grades, but rather it is our goal to upgrade the wages of those workers who have comparable job responsibilities to those in the higher grades.

The Montana State AFL-CIO hopes that our state will join those other states in an effort to correct pay inequities for its state employees.

Please vote for Senate Bill 425. Thank you.

WITNESS STATEMENT

Name Jan Gilman Committee On _____
Address 36 S. Davis Date 3-10-83
Representing ICCU Support X
Bill No. SB 425 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

VISITOR'S REGISTER

HOUSE LABOR AND EMP. REL. COMMITTEE

BILL SB 425

DATE 3/10/83

SPONSOR SENATOR REGAN

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

SENATE BILL NO. 425

INTRODUCED BY REGAN, ECK, JACOBSON, FARRIS, MCBRIDE,
CONNELLY, BENGTSON, HOLLIDAY, DARKO, J. BROWN, HENSTAD,
O'CONNELL, CURTISS, KEENAN, HOJE, HANSEN, HART, BERGENE

A BILL FOR AN ACT ENTITLED: "AN ACT TO DIRECT THE
DEPARTMENT OF ADMINISTRATION TO WORK TOWARD THE GOAL OF
ESTABLISHING A STANDARD OF EQUAL PAY FOR COMPARABLE WORTH
AND TO REQUIRE THE DEPARTMENT TO REPORT TO THE LEGISLATURE
THE STATUS OF THE STANDARD UNDER THE STATE CLASSIFICATION
PLAN AND PAY SCHEDULES."

WHEREAS, Article II, section 4, of the Montana
Constitution prohibits discrimination against any person in
the exercise of his or her civil rights on the basis of sex;
and

WHEREAS, Montana laws prohibit compensation of women
"less than that paid to men for equivalent service"; and

WHEREAS, pay disparities between men and women still
exist in Montana in general and in state government in
particular because of both overt sex discrimination and
subtle biases which, although more difficult to recognize,
inherently undervalue the work of women; and

WHEREAS, statistics for state government employees in
Montana reveal that, for the 15-month period ending March

31, 1982:

(1) the average female employee earned only 69.4% as
much as the average male employee;

(2) females held 90.2% of all clerical positions,
32.5% of all professional positions, 17.8% of all managerial
positions, and 1.7% of all skilled craft jobs; and

(3) compared to large private-sector employers in
Montana (in 1978), a woman employed by state government is
half as likely to be a professional or managerial employee
as her private-sector colleague; and

WHEREAS, studies being conducted throughout the states
are revealing that jobs dominated by women are accorded less
value than comparable jobs dominated by men; and

WHEREAS, state government in Montana should serve as a
model for the equal employment opportunity that is required
under the State's Constitution and state and federal
statutes and by our basic commitment to human rights and
human dignity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Comparable worth. The department of
administration shall, in its continuous efforts to enhance
the current classification plan and pay schedules, work
toward the goal of establishing a standard of equal pay for
comparable worth. This standard for the classification plan

1 shall be reached by:

2 (1) eliminating, in the classification of positions,
3 the use of judgments and factors that contain inherent
4 biases based on sex; and

5 (2) comparing, in the classification of positions, the
6 factors for determining job worth across occupational groups
7 whenever those groups are dominated by males or females.

8 Section 2. Status report. The department of
9 administration shall report to the legislature the status of
10 the ~~STUDY OF THE~~ comparable worth standard under ~~AND THE~~
11 ~~EXTENT TO WHICH~~ Montana's classification plan and pay
12 schedules and ~~ADHERE TO OR FALL SHORT OF THE STANDARD OF~~
13 ~~EQUAL PAY FOR COMPARABLE WORK. THE DEPARTMENT~~ shall make
14 recommendations to the legislature as to what impediments
15 exist to meeting this standard. The department shall
16 continue to make such reports until the standard is met.

-End-